

PROPOSAL PACKAGE

CC-GRTE022-08

Department of the Interior
National Park Service
Grand Teton National Park

Proposal to Operate
Boat Shuttle Service, Scenic Interpretive Boat Tours and Boat Rentals
on Jenny Lake
Within Grand Teton National Park

PROPOSAL SUBMISSION TERMS & CONDITIONS

- 1) The Offeror's Transmittal Letter set forth below indicates your acceptance of the terms and conditions of the concession opportunity as set forth in this Prospectus. It indicates your intention to comply with the terms and conditions of the Contract. The letter must bear original signatures and be included in the Offeror's response package. The NPS will review the entire Proposal Package to determine whether your proposal in fact accepts without condition the terms and conditions of this Prospectus. If not, your proposal may be considered non-responsive, even though you submitted an unconditional Offeror's Transmittal Letter.
- 2) The Proposal Package is drafted upon the assumption that an Offeror is the same legal entity that will execute the new Concession Contract as the Concessioner. If the entity that is to be the Concessioner is not formally in existence as of the time of submission of a proposal, a proposal must demonstrate that the individuals or organizations that intend to establish the entity that will become the Concessioner have the ability and are legally obliged to cause the entity to be financially and managerially capable of carrying out the terms of the contract. In addition, the Offeror must unconditionally state and guarantee in its proposal that the Offeror will provide the Concessioner with all funding, management and/or other resources that the proposal offers.

To: Director
Intermountain Region
National Park Service
12795 West Alameda Parkway
Lakewood, CO 80228

Attention: Concession Management Division

Dear Director:

The Offeror hereby agrees to provide visitor services and associated facilities within Grand Teton National Park in accordance with the terms and conditions specified in the Draft Contract No. CC-GRTE022-08, provided in the Prospectus issued by the public notice as listed on www.fedbizopps.gov and to execute the draft concessions contract without substantive modification (except as may be required by the National Park Service pursuant to the terms of the Prospectus).

The Offeror is enclosing the required "PROPOSAL" which, by this reference, is made a part hereof.

The Offeror certifies that the information furnished herewith is true and correct and recognizes that false statements may subject the Offeror to criminal penalties under 18 U.S.C. 1001. The Offeror agrees to meet all the minimum requirements of the Draft Contract, and the Prospectus, and that the Offeror has provided all of the mandatory information specified in the Prospectus.

The Offeror certifies in accordance with 43 CFR Part 42 the following:

- Any of the individuals or entities seeking participation in this Concession Contract are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from a public transaction by a federal department or agency.
- Within the three years preceding submission of the Proposal, none of the individuals or entities seeking participation in this Concession Contract have been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction, or for violation of federal or state antitrust statutes or for commission of embezzlement, theft, forgery, bribery, falsification of records, making false statements, or receiving stolen property.
- None of the individuals or entities seeking participation in this Concession Contract are presently indicted for or otherwise criminally or civilly charged by a federal, state or local unit of the government with commission of any of the offenses.
- The individuals or entities seeking participation in this Concession Contract have not had one or more public transactions (federal, state or local) terminated for cause or default within the three-year period preceding the submission of the Proposal.

The Offeror, by submitting this Proposal hereby agrees, if selected for award of the new Concession Contract:

1. To the minimum requirements of the Prospectus as identified in Part A of this Proposal Package.
2. To complete the execution of the final Concession Contract within thirty working days after it is presented by the National Park Service.
3. To commence operations under the new Concession Contract on the effective date of the new Concession Contract.
4. To operate under the current, National Park Service-approved rates to visitors, until such time as amended rates may be approved by the National Park Service.
5. [Include only if the Offeror is not to be the Concessioner under the draft Concession Contract.] To provide the entity that is to be the Concessioner under the draft Concession Contract with the funding, management and other resources described in our proposal.

BY _____ DATE _____
(Type or Print Name)

ORIGINAL SIGNATURE _____

TITLE _____

ADDRESS _____

CERTIFICATE OF CORPORATE OFFEROR

(Offerors who are not corporations should skip this certificate)

I, _____, certify that I am the _____ of the corporation named as Offeror herein; that _____, who signed this proposal on behalf of the Offeror, was then _____ of said corporation; that said proposal was duly signed for and in behalf of the corporation by authority of its governing body within the scope of its corporate powers.

BY: _____ DATE _____
(Type or print name and date)

Original Signature

TITLE _____

ADDRESS _____

PART A

The minimum requirements for the new Concession Contract are identified in this Part A of the Proposal Package. If the Offeror, in its transmittal letter, does not agree to these minimum requirements, the proposal will be considered non-responsive. A copy of Part A must be included in the Offeror's response package. (The requirements of Part B outline detailed subfactor submissions referenced in this part, as well as additional secondary selection factors.)

PRINCIPAL SELECTION FACTOR 1. THE RESPONSIVENESS OF THE PROPOSAL TO THE OBJECTIVES, AS DESCRIBED IN THE PROSPECTUS, OF PROTECTING, CONSERVING, AND PRESERVING RESOURCES OF THE PARK AREA.

The Offeror agrees to comply with all terms and conditions in the Draft Contract, including compliance with all applicable laws, including, without limitation, environmental protection and conservation laws, under the terms and conditions specified in the Draft Contract.

PRINCIPAL SELECTION FACTOR 2. THE RESPONSIVENESS OF THE PROPOSAL TO THE OBJECTIVES, AS DESCRIBED IN THE PROSPECTUS, OF PROVIDING NECESSARY AND APPROPRIATE VISITOR SERVICES AT REASONABLE RATES.

The Offeror agrees to comply with all the terms and conditions specified in the Draft Contract, including its exhibits.

The Offeror agrees to operate at the currently approved rates during the term of the Concession Contract until such time as a new rate schedule is approved by the Secretary, in accordance with 16 U.S.C. 5955. A selected Offeror may request a rate increase at any time after the selection of the best proposal is made by the National Park Service.

The Offeror accepts the draft Operating and Maintenance Plans included as Exhibit B and E, respectively, of the Draft Contract.

The Offeror agrees to implement an equal opportunity program and comply with the terms of the Equal Opportunity and handicapped access requirements of the Draft Contract.

The Offeror agrees to meet the insurance requirements of the Draft Contract and its Exhibit F.

PRINCIPAL SELECTION FACTORS 3 AND 4 DO NOT HAVE MINIMUM REQUIREMENTS FOR THIS PART, INFORMATION IS REQUIRED FOR PRINCIPAL SELECTION FACTORS 3 AND 4 IN PART B.

**PRINCIPAL SELECTION FACTOR 5. THE AMOUNT OF THE PROPOSED
MINIMUM FRANCHISE FEE, IF ANY, AND/OR OTHER FORMS OF FINANCIAL
CONSIDERATION TO THE DIRECTOR.**

The Offeror agrees to pay at least the minimum Franchise Fee of fifteen percent (15%) of annual gross receipts.

BY _____ DATE _____
(Type or Print Name)

ORIGINAL SIGNATURE _____

TITLE _____

ADDRESS _____

PART B
Response to the Requested Information

PRINCIPAL SELECTION FACTOR 1. THE RESPONSIVENESS OF THE PROPOSAL TO THE OBJECTIVES, AS DESCRIBED IN THE PROSPECTUS, OF PROTECTING, CONSERVING, AND PRESERVING RESOURCES OF THE PARK AREA. (0-5 Points)

Service Objectives

The Service's objective is to provide boat shuttles, scenic interpretive boat tours, and rental boat services to a large volume of visitors while protecting and preserving the natural and cultural resources of the park.

Subfactor 1a: The Service would like to know what kinds of boats you plan to use for the Jenny Lake shuttles, interpretive tours and rental fleet. The Service would like to ensure that the fleet: a) has sufficient capacity to maintain short passenger wait times during peak season; b) fits within the confines of the South Jenny Lake Boat dock; and, c) is as environmentally friendly as possible.

A) Submit photos, or descriptions, if boats are not built yet, and specifications of the boats and motors you plan to use for the shuttle and tour services.

B) Identify current ownership of the boats and where they are currently operating.

C) Include copies of the United States Coast Guard (USCG) Registration or Documented Vessel information, and applicable current Certificate of Inspection.

D) If the boats are not yet in the water, outline your plans to purchase and implement them in time for operations.

E) Describe why this is the ideal fleet of boats to meet the needs stated above.

Subfactor 1b: The Service favors proposals that provide for the environmental protection of both Jenny Lake and the land and historic cabins assigned to this concessioner. This should include, but not be limited to, the minimization or elimination of: waste, spills, releases, and pollution from water-based services.

A) With this goal in mind, please describe how you would address the protection, conservation and preservation of the Park and Jenny Lake from impacts that your operation may generate and to ensure compliance with Applicable Laws. The following should be addressed:

- Fueling and other petroleum product management;
- Boat maintenance and waste management including but not limited to: fuel, oil, antifreeze and batteries;
- Management of other hazardous materials and wastes (i.e. those used in the maintenance of the dock and historic buildings);
- Emergency response procedures.

Include specific goals, actions, steps and programs that you commit to adopt and implement in this regard. Also, include a description of how you intend to measure and monitor the effectiveness of your actions, steps or programs.

B) Provide two examples from previous vessel operations that demonstrate your experience, i.e. identifying and implementing similar goals, actions, steps or programs.

Subfactor 1c: The land assignment for this contract involves two historic buildings and two docks. Describe your ability to maintain these facilities.

PRINCIPAL SELECTION FACTOR 2. THE RESPONSIVENESS OF THE PROPOSAL TO THE OBJECTIVES, AS DESCRIBED IN THE PROSPECTUS, OF PROVIDING NECESSARY AND APPROPRIATE VISITOR SERVICES AT REASONABLE RATES. (0-5 Points)

Service Objectives

The Service's objective is to ensure visitors are provided with sufficient and accurate information so they may have a safe and enjoyable visitor experience, and help protect the park resources.

Subfactor 2a: Between Memorial Day and Labor Day, this concessioner transports over 100,000 visitors across the lake between one large and one small boat dock. In the past, long lines created crowding and frustration. Describe your plans to move, quickly and efficiently, large numbers of people in periods of fluctuating demand, while ensuring excellent customer service.

Subfactor 2b: These visitors may have little or no prior backcountry experience in the Park's backcountry. Your employees may be the only personnel with whom they have contact prior to reaching the west shore boat dock. How would you effectively convey safety, interpretive and resource protection messages to visitors using your services?

Subfactor 2c: Jenny Lake can become hazardous due to wind, lightning and high waves in a very short period of time. Please describe how you will respond when hazardous conditions develop. Be sure to cover all aspects of the operation in your response, i.e. boat shuttle, interpretive tour, and rental boats.

Subfactor 2d: Please describe your safety program and record for other operations you have managed. Describe two accidents or near misses that you have had, what procedures you followed during the incident and what steps you took afterwards. If you have not had relevant incidents, describe potential incidents on Jenny Lake and the actions you would take in response.

PRINCIPAL SELECTION FACTOR 3. THE EXPERIENCE AND RELATED BACKGROUND OF THE OFFEROR IN PROVIDING THE SAME OR SIMILAR VISITOR SERVICES AS THOSE TO BE PROVIDED UNDER THE CONCESSION CONTRACT. (0-5 Points)

Offeror's Organizational Structure. Describe the entity with which the National Park Service will contract. Clearly define the Offeror's relationship to all superior and subordinate entities. Identify the entity, if one exists, that has the authority to allocate funds, hire, and fire management employees of the business entity that will hold the contract with the National Park Service. If this entity is a public corporation with a Board of Directors, provide information about the makeup and selection of the Board. Identify a majority shareholder or shareholder with controlling interest, if either exists. If the entity is a limited liability company or partnership, identify and provide information about each member or partner.

Using the Business Organization Form located at the end of this section, identify the Offeror and each business organization, operator, and any parties involved in the management of the proposed concession operation. Use the form appropriate for your organization (partnership, sole proprietorship, limited liability company, or corporation) and include all information necessary to make the relationships among parties clear. When completed, the Business Organization and Credit Information form should convey the following information:

1. Identify the Offeror formally.
2. Explain the legal form and formal structure of the Offeror.
3. Identify and describe the owners of the Offeror, including, without limitation, all levels of parent organizations, their relationship to the Offeror, and the precise extent of their ownership interest.
4. Identify all related, subordinate, or superior business organizations and any other organizations, contractors, or subcontractors that will have a significant role in managing, directing, operating, or otherwise carrying out the services to be provided by the Offeror. Describe in detail how these relationships will work formally and in practice.
5. Identify how long the Offeror has existed as a legal entity.
6. Provide a copy of your organizing document such as a partnership agreement or articles of incorporation.

Note to Offeror: To assist in the evaluation of proposals under this and other selection factors, please provide the above information about your organizational structure. The National Park Service will not evaluate this information for selection purposes, but it will use it to assess responses to the various selection factors. Failure to provide all of this information may affect the scores on the selection factors.

Subfactor 3a: A high quality, skilled and motivated employee staff is a critical component of meeting visitor needs at the South Jenny Lake boat shuttle operation. Specifically, the operation faces the following challenges:

- A seasonal operation with a limited recruiting base, limited housing and very few year-round opportunities;
- Boat captains are required to meet USCG licensing requirements.

Explain how you will recruit and train for General Manager, Senior Pilot, Boat Captains and Maintenance Chief considering the seasonal nature and remoteness of the operations. Provide a description of how you will retain excellent employees during a given season, and how you will encourage them to return for another season. Provide two examples from the last five years of similar personnel challenges you have successfully met.

Subfactor 3b: Please describe two examples from the last ten years demonstrating your experience in the operation and management of boating services. For each operation discussed, please provide the following information:

- Operation name, location and operating calendar (seasonality)
- Operation tenure
- USCG passenger capacity of commercial boats
- Number of passengers carried during most recent operating year/season
- Brief description of services offered (e.g. shuttle, interpretive tours, rental boats)
- Brief description of operation

Subfactor 3c: Has the Offeror, parent company or any of its principals, at any time in the last five years, whether as a principal or employee of Offeror or otherwise, received any Notice of Violations (NOVs), fines, and/or penalties from the following agencies: National Park Service, Environmental Protection Agency, Occupational Safety and Health Administration, Department of Environmental Protection, or any other state, federal, or other environmental or health regulatory agencies? If the answer is yes, provide the following:

- 1) A description of the NOV, fine and/or penalty
- 2) When and by whom was the NOV, fine and/or penalty issued?
- 3) How did you address the NOV, fine and/or penalty?
- 4) How will you ensure that the problem does not recur?

**BUSINESS ORGANIZATION
PARTNERSHIP OR SOLE PROPRIETOR
(PRINCIPAL SELECTION FACTOR 3)**

Name of Entity	
Address	
Telephone Number	
Fax Number	
Email Address	
Contact Person	
Title	
Tax ID #	
Form of Business:	
<input type="checkbox"/> Partnership <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Other (please describe) _____	
Years in Business	

OWNERSHIP			
Names And Addresses Of Each Partner Or the Sole Proprietor	Percentage of Ownership	Current Value of Business	Role in Providing Concession Services

**BUSINESS ORGANIZATION
CORPORATION/LLC
(PRINCIPAL SELECTION FACTOR 3)**

Complete separate form for the submitting entity and the parent entity (include all partners in a joint venture).

Name of Entity	
Address	
Telephone Number	
Fax Number	
Email Address	
Contact Person	
Title	
Tax ID#	
State of Organization	
Date of Organization	

OWNERSHIP	NUMBER AND TYPE OF SHARES OR PERCENTAGE OF OWNERSHIP	CURRENT VALUE OF INVESTMENT
Names and Addresses of those with controlling interest or key principals		
Total of All		
Total Shares Outstanding		

CONTROLLING OFFICERS	ADDRESS	TITLE AND/OR AFFILIATION

PRINCIPAL SELECTION FACTOR 4. THE FINANCIAL CAPABILITY OF THE OFFEROR TO CARRY OUT ITS PROPOSAL (Scoring: 0 – 5 Points)**General Notes:**

- In the event the Offeror is not the legal entity that is to be the Concessioner, provide the information described below with respect to both the Offeror, including all partners in a joint venture, and the proposed Concessioner. If the entity that is to be the Concessioner is not formally in existence as of the time of submission of a proposal, a proposal must demonstrate that the individuals or organizations that intend to establish the entity that will become the Concessioner have the ability and are legally obliged to cause the entity to be financially and managerially capable of carrying out the terms of the Contract. In addition, the Offeror must unconditionally state and guarantee in its proposal that the Offeror will provide the Concessioner with all funding, management and/or other resources that the proposal offers.

Subfactor 4a: Demonstrate that you have a credible, proven track record of meeting your financial obligations by providing the following:

- A) The completed Business History Information form provided at the end of this section.
- B) Provide financial statements for the two most recent fiscal years, with all notes to the financial statements. Provide the financial statements for the Offeror and all parent companies. Provide personal financial statements for an owner of a sole proprietorship, general partners in a partnership, and members of a limited liability company.

- i) Provide audited financial statements, with all notes to the financial statements.

OR

- ii) If audited financial statements are not available or not representative of the financial history, present an explanation in sufficient detail to enable a reviewer to fully understand the reasons why audited statements are not available. In addition, provide compelling evidence, accompanied by a description, of your financial track record (e.g. reviewed statements, including explanations of the reason the statements were not audited and notes to the financial statements).
- C) A CURRENT credit report (within the last six months) from a major credit reporting company such as Equifax, Experian, or Dunn & Bradstreet.

Subfactor 4b: Demonstrate that you understand the financial obligations and potential of the Draft Contract by providing the following:

- A) Provide your estimate of the acquisition and start-up costs of this business using the Initial Investment and Start-Up Expenses form included in the Excel spreadsheets provided in the Appendix to this Prospectus. Explain fully the methodology and the assumptions used to develop the estimate. The information provided should be of sufficient detail to allow a reviewer to fully understand how the estimates were determined.
- B) Using the Excel spreadsheets provided in the Appendix to this Prospectus provide estimates of prospective revenues and expenses of the concession business in the form of annual prospective income and cash flow statements for the entire term of the Concession Contract. For the purposes of these estimates, assume no disruptions due to potential Service capital improvement projects described in the Business Opportunity Section.

Additional general notes regarding the provided forms in the attached appendix:

- The Service has provided forms that request the information in the format it desires. These forms may differ from the format and requirements set forth in generally accepted auditing standards (GAAS) with regard to prospective financial statements. The Service does NOT request that the prospective financial statements be reviewed in accordance with GAAS. In situations where the information requested departs from GAAS, the Service requests that the information be provided in the format requested and NOT in conformance with GAAS.
- You may expand on the information requested on the form, but do not provide less, do not reduce the captions (line-items) called for, and do not change the order of items.
- Do not add or eliminate rows on the Excel spreadsheets provided in the Appendix to this Prospectus. Columns should not be deleted; however, columns may be added to adjust the number of years to the Draft Contract term, if necessary. If you wish to provide additional information, do so in additional spreadsheets, outside of the ones provided. If additional information is provided, clearly identify how it fits into the income statement, cash flow, and/or assumption tables. For the purpose of the proforma statements utilize the calendar year as the fiscal year.
- Provide a clear and concise narrative explanation of the method(s) used to prepare the estimates and the assumptions on which your projections are based. Information must be sufficiently detailed to fully understand how the estimates were determined.
- Complete all of the forms provided and submit both a hard copy and an Excel spreadsheet file. Failure to provide all of the information requested on these forms may result in a reduced score. Use the electronic version of the Operating Assumptions and Prospective Income Statement form provided in the appendix. The financial basis of any projections that show significantly increased revenues and/or decreased expenses from the projections provided in the Prospectus should be fully explained.

Subfactor 4c: Demonstrate your ability to obtain the required funds by providing credible, compelling documentation. Fully explain the financial arrangements you propose, using the following guidelines:

- A)** If funds are to be obtained from operating cash flows, document each source and availability of these funds by referencing your previous and current audited financial statements.
- B)** If funds are to be obtained from lending institutions (banks, savings and loans, etc.), provide financing agreements, letters of commitment or similar supporting documents. Also, include a letter (addressed to the National Park Service from the Lender), which provides compelling documentation as to the likely amount of funds available to the offeror at the start of the Draft Contract. Include the lending institution contact name on the letter and authorize the lending institution to release any information to the National Park Service concerning relevant financing arrangements.
- C)** If funds are to be obtained from an individual, or a corporation whose primary fund source is an individual, provide the following as appropriate:
- i) Current personal financial statement for the primary source of funds.
 - ii) Documentation of any assets to be sold.
 - iii) Written funding commitment from the individual or corporation.
 - iv) Any other assurances or documentation that makes a compelling demonstration that the funds are available.
- D)** If funds are to be obtained from working capital liabilities (such as advanced deposits or accounts payable), please provide any estimates and a rationale for each estimate. The information provided should be of sufficient detail to allow a reviewer to fully understand how the estimates were determined.
- E)** If funds are to be obtained from another source (i.e., a corporation whose primary fund source is not an individual), provide the following as appropriate:
- i) Written funding commitment from the fund source.
 - ii) Any other documentation that is necessary to create a compelling demonstration that the funds required to operate this business opportunity are available.

BUSINESS HISTORY INFORMATION
(PRINCIPAL SELECTION FACTOR 4 – SUBFACTOR 4A)

Business History Information should be provided for the Offeror AND all parent companies.

1. List any Foreclosures, Bankruptcies, Transfers in Lieu of Foreclosure and/or Work-Out/Loan Modification Transactions during the *past 10 years*. (If none, please indicate)

Name of Property	City State	Property Type	Approximate Loan Amount	Lender	Year of Event

Attach an explanation of circumstances, including resolution, bankruptcy plan, and/or other documentation as appropriate.

2. Describe any pending litigation or current lawsuits (other than those covered adequately by insurance) which if adversely resolved would materially impact the financial position of the Offeror.

PRINCIPAL SELECTION FACTOR 5: THE AMOUNT OF THE PROPOSED FRANCHISE FEE AND/OR OTHER FORMS OF FINANCIAL CONSIDERATION TO NPS (Scoring: 0-4 Points)

The minimum franchise fee for the draft contract is fifteen percent (15%) of annual gross receipts.

The offer of a higher franchise fee is generally beneficial to the Service, and, accordingly, generally will result in a higher score under this selection factor. However, consideration of revenue to the United States is subordinate to the objectives of protecting, conserving, and preserving resources of the Park area and of providing necessary and appropriate visitor services to the public at reasonable rates.

Please state the franchise fee you offer as a percentage of annual gross receipts.

_____ %

SECONDARY SELECTION FACTOR 1. THE QUALITY OF THE OFFEROR'S PROPOSAL TO CONDUCT ITS OPERATIONS IN A MANNER THAT FURTHERS THE PROTECTION, CONSERVATION, AND PRESERVATION OF THE PARK AREA AND OTHER RESOURCES THROUGH ENVIRONMENTAL MANAGEMENT PROGRAMS AND ACTIVITIES, INCLUDING, WITHOUT LIMITATION, ENERGY CONSERVATION, WASTE REDUCTION, AND RECYCLING. (Scoring: 0-3 points)

Note to Offeror: *This secondary selection factor focuses on environmental management programs and activities that promote general environmental objectives such as waste reduction, fuel efficiency, recycling, etc. Please avoid overlap between your response here and your response to Principal Selection Factor 1. For Secondary Selection Factor 1, please respond only with the information requested in the subfactors.*

Subfactor 1a: The Service encourages environmentally friendly business practices, notably in the areas of sustainability and energy conservation; purchasing of environmentally preferable supplies, fixtures, and merchandise; solid waste reduction; recycling; and other similar proactive actions. Please describe your environmental program and activities that you will implement to improve operations at the Park and provide a time line for full implementation.